

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Wolfgang M. Franz et al.

Serial No. 09/068,751

filed: November 14, 1996

for: Gene Therapeutic Nucleic Acid Working Model and Its Production and
Use for Treating Heart Disease

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JUN 28 2002

TECH CENTER 1600/2900

DECLARATION UNDER RULE 132

Wolfgang M. Franz
et al.
Jz

I, the undersigned, Wolfgang M. Franz, a citizen of Germany,
do hereby depose and declare:

I have graduated in medicine and I was awarded the degree of PhD from the
Technical University of Munich, Germany, in 1986.

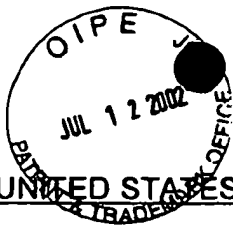
My major research interest is directed to gene therapy of cardiovascular diseases.

I am co-inventor of the subject matter of U.S. Patent Application No. 09/068,751.

I have carefully read the Office Action dated December 20, 2001 and the
specification of the present patent application.

With regard to the Examiner's contention that the specification does not enable any
person skilled in the art to make and / or use the invention commensurate in scope
with the present claims I would like to provide the following response:

The present application is, to my opinion, the first document disclosing the successful
cardiac specific, in particular ventricle specific, gene transfer in neonatal or adult
animals by making use of viral vector systems.



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Wolfgang M. Franz
6/22/04
WJF